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October 17, 2006

Mr. Christopher Kelley
US Patent Office Art Unit 2623
fax 571-273-8300

Reference application 09/920,961

Dear Mr. Kelley,

After deliberating with my attorney, I am deviating slightly from her counsel and corresponding directly with you, hoping to rectify numerous issues with the examiner, Mr. Hai Tran, that appear to me to be prejudicial in nature.

I understand that the proper procedure for registering a grievance is through the Deputy Director. However, as a matter of professional courtesy I want to first express the issues directly to you as Mr. Tran's supervisor.

I am not aware if your workload has allowed you to review and assess my patent application first hand, or if you have had to rely on the examiner's interpretation and assessment, but in either event this leads me to the purpose of this correspondence.

As you may remember, there have been problems for a long while relevant to the referenced application and if you will bear with me, I will reiterate my grievances concerning some of the examiner's actions and incorrect statements.

The examiner neglected to change the address for a year after he was informed by telephone that my attorney had been replaced - even after three submissions of the proper form. When someone else was informed of that situation, the correction was made. Private and confidential information was repeatedly submitted to an attorney that did not represent the applicant for over a year.

The examiner says many things that are just not accurate. The inaccuracies have been clearly outlined in the last several documents filed by my attorney, but the problem is getting the documents read by someone other than the examiner. The examiner continually misstates the facts and either does not understand them or it would appear is prejudicial against this application.

The last response - from an appeal - did not contain any new reference, which is required for the examiner to reopen prosecution. I asked my attorney not to respond to such a document, but she felt that he was indicating a willingness to be open to an allowance. Then you, Mr. Kelley, called and left a message that said the statements had been discussed with the examiner and they overcame the objection.

Upon receiving your telephone message, my attorney and I believed the objections had been

overcome and things would proceed. However, when the examiner was called last week he stated he did not feel that he should grant a patent and had no intention of doing so. My attorney and I both fail to understand "feeling" in a patent examination resulting in such prejudicial ruling over fact.

Then the examiner said he would do another search (we count about six times he has said he had performed searches), but that he did not feel he should grant an allowance. When questioned about the statement made by Mr. Kelley, the examiner said something to the effect "I have this application" as if to say it does not matter what anyone else says -he is not even considering my application.

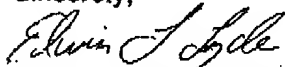
I then asked my attorney to follow the proper procedure to report the prejudicial misconduct. When she was hesitant to do so, I called and was told the proper procedure is to call the Deputy Director, Mr. Andrew Falle, and report the conduct. I did ask my attorney to seek a meeting to discuss these problems with the application, but she did not want to pursue that path.

Based on the issues I have outlined, I am seeking a review of the application by an unbiased party. I believe Mr. Tran re-opened prosecution clearly to stop our appeal for a reasonable consideration by another party; as he did so without a new reference. He clearly indicated the application was his to do with as he desired and we could do nothing.

As his supervisor, I believe you may not be aware of the serious problems with the handling of this application and should have the opportunity to be the first to review the issues we have encountered.

If you wish to discuss any of these issues you may reach me at my cell phone number below. Otherwise I will follow up with you in a week giving you time to review this correspondence. I sincerely appreciate your consideration of this matter.

Sincerely,



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